

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
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Veronique FERRARI et al.	)	Group Art Unit: 1611
	)	
Application No.: 10/502,448	)	Examiner: Christopher M. POCHAS
	)	
Filed: February 15, 2005	)	Confirmation No.: 3680
	)	
For: COMPOSITION CONTAINING A	)	
SEMI-CRYSTALLINE POLYMER	)	
AND AN ESTER	)	<b>VIA EFS WEB</b>

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Office the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications, as well as the co-pending applications and any Office Action cited therein, are not enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See *also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicant respectfully requests that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicant makes the following remarks:

1. **DE 195 23 487:** An English language Derwent abstract of this document accompanies this disclosure.
2. **DE 195 24 210:** An English language Derwent abstract of this document accompanies this disclosure.
3. **EP 0 305 756:** This document is believed to be related to U.S. Patent No. 5,411,739, which is listed on the accompanying PTO Form SB/08.
4. **EP 0 534 823:** This document is believed to be related to U.S. Patent Nos. 6,319,508 and 6,572,870, which are listed on the accompanying PTO Form SB/08.
5. **EP 0 550 745:** This document is believed to be related to U.S. Patent No. 5,519,063, which is listed on the accompanying PTO Form SB/08.

6. **EP 0 566 442:** An English language Derwent abstract of this document accompanies this disclosure.
7. **EP 0 667 146:** This document is believed to be related to U.S. Patent Nos. 6,120,781 and 6,132,742, which are listed on the accompanying PTO Form SB/08.
8. **EP 0 749 746:** This document is believed to be related to U.S. Patent No. 5,945,095, which is listed on the accompanying PTO Form SB/08.
9. **EP 0 749 747:** This document is believed to be related to U.S. Patent No. 5,851,517, which is listed on the accompanying PTO Form SB/08.
10. **EP 0 873 748:** An English language Derwent abstract of this document accompanies this disclosure.
11. **EP 0 943 310:** An English language Derwent abstract of this document accompanies this disclosure.
12. **EP 0 955 039:** This document is believed to be related to U.S. Patent No. 6,491,927, which is listed on the accompanying PTO Form SB/08.
13. **EP 0 979 642:** An English language Derwent abstract of this document accompanies this disclosure.
14. **EP 0 993 824:** An English language Derwent abstract of this document accompanies this disclosure.
15. **EP 1 002 528:** This document is believed to be related to U.S. Published Application No. 2004/0137028, which is listed on the accompanying PTO Form SB/08.

16. **EP 1 332 753:** This document is believed to be related to U.S. Published Application No. 2003/0165451, which is listed on the accompanying PTO Form SB/08.
17. **FR 2 232 303:** This document is believed to be related to U.S. Patent No. 3,937,811, which is listed on the accompanying PTO Form SB/08.
18. **FR 2 710 646:** This document is believed to be related to U.S. Patent No. 5,711,940, which is listed on the accompanying PTO Form SB/08.
19. **FR 2 771 927:** An English language Derwent abstract of this document accompanies this disclosure.
20. **FR 2 782 917:** An English language Derwent abstract of this document accompanies this disclosure.
21. **FR 2 804 018:** This document is believed to be related to U.S. Published Application No. 2004/0156813, which is listed on the accompanying PTO Form SB/08.
22. **FR 2 842 417:** This document is believed to be related to U.S. Published Application No. 2004/0241118, which is listed on the accompanying PTO Form SB/08.
23. **JP 11-246395:** This document is believed to be related to U.S. Patent No. 5,387,450, which is listed on the accompanying PTO Form SB/08.
24. **JP 11-322531:** This document is believed to be related to U.S. Patent No. 6,180,123, which is listed on the accompanying PTO Form SB/08.
25. **JP 1-233206:** An English language Derwent abstract of this document accompanies this disclosure.

26. **JP 2000-290138:** An English language Derwent abstract of this document accompanies this disclosure.
27. **JP 61-236716:** An English language Derwent abstract of this document accompanies this disclosure.
28. **SU 829112:** An English language Derwent abstract of this document accompanies this disclosure.
29. **WO 95/15741:** This document is believed to be related to U.S. Patent No. 5,519,063, which is listed on the accompanying PTO Form SB/08.
30. **WO 02/39961:** This document is believed to be related to U.S. Published Application No. 2002/0164297, which is listed on the accompanying PTO Form SB/08.
31. **French Search Report for FR 04/06173:** This is the French Search Report for the French counterpart to co-pending U.S. Application No. 11/147,236.

With respect to certain non-patent literature documents listed on the concurrently filed PTO Form SB/08, Applicants submit the following remarks.

32. **Matsuda, et al., "Solid-Liquid Separation Phenomenon on the Surface of an Oil," Wax and Pigments Mixture (I) a Binary Oil-Wax System," Shikizai, vol. 57 (3), pp. 1-13 (1984):** This document was cited in U.S. Patent No. 5,843,407. Despite a good faith effort, Applicant's representatives have been unable to obtain a copy of this document to date. Applicant's representative believes the Examiner should have access to this document via the PTO records system.

**33. Material Data Safety Sheet, Rheox, Inc., pp. 5-7, 9-11 (1992):** This document was cited in U.S. Patent No. 5,843,407. Despite a good faith effort, Applicant's representatives have been unable to obtain a copy of this document to date. Applicant's representative believes the Examiner should have access to this document via the PTO records system.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: August 26, 2009

By: 

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